

**REGULAR MEETING
CITY COUNCIL
December 1, 2005**

ROLL CALL:

MR. WOJCIK, MR. DUNNE, MR. JUDGE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MS. MESSICK, MR. ARMET,
MRS. MAHAR DERGURAHIAN

ABSENT:

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Local Law Intro. No. 2 Date December 1, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Judge

L.L. #2

LOCAL LAW NO. 2 of 2005

A LOCAL LAW AMENDING SECTION 4 OF
LOCAL LAW NO. 2 OF 1987, TO REVISE THE TROY EMPIRE ZONE
(FORMERLY KNOWN AS AN ECONOMIC DEVELOPMENT ZONE)

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TROY, COUNTY OF
RENSSELAER, STATE OF NEW YORK, AS FOLLOWS:

Section 1. By Local Section 4 of Law No. 2 of 1987, this City Council authorized an applicant for the designation of an Economic Development Zone relative to certain land within the City of Troy.

Section 2. That the City of Troy has received Economic Development Zone approval from New York State.

Section 3. By Local Law No. 1, adopted in the year 1989, the Economic Development Zone was expanded.

Section 4. By Local Law No. 3, adopted in the year 1995, the Economic Development Zone was expanded a second time.

Section 5. By Local Law No. 6, adopted in the year 1999, the Economic Development Zone was expanded a third time.

Section 6. By Local Law No. 6, adopted in the year 2002, the Economic Development Zone, now called the Empire Zone, was expanded a fourth time.

Section 7. It is the desire of this City Council to authorize an application to revise the Empire Zone to include .85 acres located in the City of Troy.

Section 8. The City of Troy is hereby authorized to submit an application to revise the Empire Zone to include the property described in Section 7 of this Local Law.

Section 9. The boundary of the Empire Zone, as described in Local Law No. 2 of 1987, Local Law No. 1 of 1989, Local Law No. 3 of 1995, Local Law No. 6 of 1999, and Local Law No. 6 of 2002, shall be expanded to include the properties described as follows:

1. 101.32-2-2
2. 101.32-2-13

Section 10. The Commissioner of the New York State Department of Economic Development is hereby requested to revise the boundaries of the Empire Zone in accordance with this Local Law.

Section 11. In all other respects, Local Law No. 2 of 1987, Local Law No. 1 of 1989, Local Law 3 of 1995, Local Law No. 6 of 1999, and Local Law No. 6 of 2002 shall remain in full force and effect.

Section 12. This Local Law shall take effect immediately upon the filing with the New York State Secretary of State.

Approved as to form, October 20, 2005

David B. Mitchell, Corporation Counsel

Local Law ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and Returned 12/09/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

**Office of the City Clerk**

Local Law Intro No. 3 Date December 1, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by _____

L.L. #2

REFERRED to PUBLIC HEARING 12-20-05 6:55pm

LOCAL LAW NO. _____ (Intro. #3) of 2005

A LOCAL LAW AMENDING SECTION 4 OF
LOCAL LAW NO. 2 OF 1987, TO REVISE THE TROY EMPIRE ZONE
(FORMERLY KNOWN AS AN ECONOMIC DEVELOPMENT ZONE)

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TROY, COUNTY OF
RENSSELAER, STATE OF NEW YORK, AS FOLLOWS:

Section 1. By Local Section 4 of Law No. 2 of 1987, this City Council authorized an applicant for the designation of an Economic Development Zone relative to certain land within the City of Troy.

Section 2. That the City of Troy has received Economic Development Zone approval from New York State.

Section 3. By Local Law No. 1, adopted in the year 1989, the Economic Development Zone was expanded.

Section 4. By Local Law No. 3, adopted in the year 1995, the Economic Development Zone was expanded a second time.

Section 5. By Local Law No. 6, adopted in the year 1999, the Economic Development Zone was expanded a third time.

Section 6. By Local Law No. 6, adopted in the year 2002, the Economic Development Zone, now called the Empire Zone, was expanded a fourth time.

Section 7. It is the desire of this City Council to authorize an application to revise the Empire Zone to include 1,278.24 acres located in the City of Troy.

Section 8. The City of Troy is hereby authorized to submit an application to revise the Empire Zone to include the property described in Section 7 of this Local Law.

Section 9. The boundary of the Empire Zone, as described in Local Law No. 2 of 1987, Local Law No. 1 of 1989, Local Law No. 3 of 1995, Local Law No. 6 of 1999, and Local Law No. 6 of 2002, and Local Law #2 for 2005, shall be amended to include the properties as defined in the attached proposed 2006 change map, prepared by C.T. Male Associates, P.C., attached hereto and made a part hereof.

Section 10. The Commissioner of the New York State Department of Economic Development is hereby requested to revise the boundaries of the Empire Zone in accordance with this Local Law.

Section 11. In all other respects, Local Law No. 2 of 1987, Local Law No. 1 of 1989, Local Law 3 of 1995, Local Law No. 6 of 1999, and Local Law No. 6 of 2002 shall remain in full force and effect.

Section 12. This Local Law shall take effect immediately upon the filing with the New York State Secretary of State.

Approved as to form, November 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance No. 1 Date December 1, 2005
Introduced by Council Member Armet
At the request of Administration Seconded by Collier

ORD. #1

**ORDINANCE AUTHORIZING THE USE OF APPEARANCE
TICKETS BY POLICE OFFICERS
OF THE CITY OF TROY IN CERTAIN CASES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Municipal Home Rule Law, Article 2, Section 10, specifically Section 10-4(a), the City Council of the City of Troy hereby amends

Chapter 220 of the Troy City Code by adding Article V to read as follows:

ARTICLE V APPEARANCE TICKETS

Section 220.10: Appearance Tickets.

Pursuant to Municipal Home Rule Law, Article 2- Section 10, specifically Section 10-[4(a)], the City Council of the City of Troy hereby authorizes any police officer of the City of Troy police department to issue an appearance ticket, as provided for in Article 150 of the Criminal Procedure Law, for alleged violations of any provision of the Troy City Code and/or any violation of any offense of the New York State Penal Law.

Section 220.11: Form and Content of Appearance Tickets.

Appearance tickets issued pursuant to this Article shall be in conformance with the provision of Article 150 of the Criminal Procedure Law, and shall be substantially in the form of Schedule "A", attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, November 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12/09/05

SUPPORT DOCUMENTATION OF FILE WITH LEGISLATION

Ordinance No. 2 **Date** December 1, 2005
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Messick

ORD. #2

ORDINANCE PROVIDING FOR PRIOR PLANNING BOARD APPROVAL REGARDING AN APPLICATION TO DEMOLISH A BUILDING

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Subdivision A through G of section 141-28 of the Code of the City of Troy are redesignated subdivision B through H, and a new subdivision A is added to read as follows:

A. Prior to applying for a demolition permit, the party interested in having the demolition done shall make application to the City Planning Board for approval of such demolition and post-demolition plan. The Planning Board may approve such application or impose such modifications as the Board deems appropriate.

Section 2. The Ordinance shall take effect thirty (30) days after it shall have become a law and shall apply to applications for demolition made on and after such date.

Approved as to form, November 16, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Not Endorsed and Returned 12/09/05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date December 1, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Krogh

ORD. #3

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL FUND BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A entitled:

December 2005 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, November 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12/09/05.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 Date December 1, 2005
 Introduced by Council Member DerGurahian
 At the request of Administration Seconded by Judge

ORD. #4

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO ACCEPT
 ADDITIONAL REVENUE COLLECTED FOR TITLE SEARCHES FOR
 IN-REM PROPERTIES AND TO AUTHORIZE EXPENDITURE FOR
 SERVICES RELATED TO TITLE SEARCHES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Law Department Budget is hereby amended by the acceptance of title search fees paid to the City for in-rem properties and appropriating the expenditure of same as provided in Schedule "A" entitled

2005 Budget Amendment – Title Search Fee Recovery

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, November 22, 2005

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12-09-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date December 1, 2005
 Introduced by Council Member DerGurahian
 At the request of Administration Seconded by Judge

ORD. #5

**ORDINANCE DETERMINING THAT THE RECONSTRUCTION OF CERTAIN SIDEWALKS
 CONSTITUTES A LOCAL IMPROVEMENT
 PURSUANT TO 9.05 OF THE CITY CHARTER**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Section 9.05 of the City Charter, the reconstruction of the sidewalks described in Schedule "A" entitled:

"City of Troy, New York
Homeowner Sidewalk Improvement Program"

Which is attached hereto and made a part hereof, are hereby determined to be local improvements. The cost of such improvements shall be borne by the abutting property owner.

Section 2. Upon receipt of the final estimate for such local improvements, the City Assessor shall prepare and file an assessment roll pursuant to the provisions of Section 9.10 of the City Charter for confirmation by the City Council.

Section 3. Assessments for such local improvements shall be payable in ten (10) equal annual installments, but may be paid in full at any time by the property owners. Installments shall carry interest at the rate of six percent (6%) per year. An additional 1.5% per month penalty shall also accrue against any late payments.

Section 4. This ordinance shall take effect immediately.

Approved as to form, November 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12-09-05.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 **Date** December 1, 2005
Introduced by Council Member Messick
At the request of Administration **Seconded by** Judge

ORD. #6

**ORDINANCE AMENDING CHAPTER 141 OF THE CITY CODE
OF THE CITY OF TROY, SECTION 141-39 "NEW SIDEWALKS"**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Section 141-39 of Chapter 141 of the City Code of the City of Troy, is amended in its entirety, and shall read as follows:

§ 141-39. New sidewalks.

Where new sidewalks have to be installed on a public street, they shall conform to this article and appurtenant regulations. They shall meet the existing grades of the sidewalks on adjacent properties and also the established curbline. The finished surface shall pitch toward the street, and curb boxes for gas and water shall be flush with the surface of the walk. Only slate and concrete sidewalks will be allowed in all areas of the City except the fire limits. Such sidewalks shall be the one course construction with a minimum thickness of 2 ¼ inches laid on approved crushed stone or gravel base four inches thick. All sidewalks shall conform to the requirements of the State Department of Public Works (New York State Building Codes) concerning both material and installation. Blacktop, asphalt or asphaltic concrete is prohibited for use on any sidewalk. The use of any material, other than concrete or slate, for sidewalks may only be approved and authorized for use by a variance issued from the City of Troy Zoning Board of Appeals (ZBA).

Section 2. This act will take effect immediately.

Approved as to form, November 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and Returned 12-09-05.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION.

Resolution No. 1 **Date** December 1, 2005
Introduced by Council Member DerGurahian
At the request of Administration **Seconded by** Judge

RES. #1

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Approved as to form, November 16, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12-09-05.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date December 1, 2005
Introduced by Council Member Collier
At the request of Administration Seconded by Judge

RES. #2

**RESOLUTION AUTHORIZING AND CONSENTING TO THE RELOCATION OF
THE CHAZEN COMPANY FROM GURLEY AVENUE TO 547 RIVER STREET,
LOCATED IN THE TROY EMPIRE ZONE**

WHEREAS, Chazen Engineering and Land Surveying Company, P.C. (Chazen Company) has operated within 6,000 square feet at 20 Gurley Avenue for several years, and

WHEREAS, Chazen Company has experienced a steady increase in employment since 2003, and

WHEREAS, as the company continued to grow, space limitation, transportation access, and limited parking accommodations at 20 Gurley Avenue became increasingly problematic, and

WHEREAS, in early 2005, the company moved its entire operations from 6,000 square feet on Gurley Avenue to 15,000 square feet in Flanagan Square located at 547 River Street, and

WHEREAS, the new location will allow the company to operate more efficiently, to continue to increase its employment base, to take advantage of Empire Zone incentives, and to remain competitive in its market industry.

NOW THEREFORE BE IT RESOLVED, that the City of Troy consents to the relocation of the Chazen Company from Gurley Avenue to 547 River Street, located in the Troy Empire Zone.

Approved as to form, November 16, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12-09-05.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. <u>3</u>	Date <u>December 1, 2005</u>
Motion to add by Council President <u>DerGurahian</u>	Seconded by <u>entire Council</u>
Introduced by Council President <u>DerGurahian</u>	Seconded by <u>entire Council</u>

RES. #3

RESOLUTION Commending ROBERT ARMET for Distinguished Service to the City of Troy

WHEREAS, on the 31st day of December, 2005, Robert Armet will be leaving the Troy City Council; and

WHEREAS, Robert Armet served the citizens of Troy with distinction and dedication.

NOW THEREFORE BE IT RESOLVED, that the Troy City Council does hereby pause in its deliberations to honor and commend Robert Armet for the years of service he rendered in the best interests of the citizens of the City of Troy; and

BE IT FURTHER RESOLVED, that the Troy City Council transmit a copy of this resolution, suitably engrossed, to Robert Armet as a token of appreciation.

Approved as to form, November 30, 2005

David B. Mitchell, Corporation Counsel

Motion to add ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and Returned 12-09-05.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. <u>4</u>	Date <u>December 1, 2005</u>
Motion to add by Council President <u>DerGurahian</u>	Seconded by <u>Council</u>
Introduced by Council President <u>DerGurahian</u>	Seconded by <u>Council</u>

RES. #4

RESOLUTION Commending ARTHUR JUDGE for Distinguished Service to the City of Troy

WHEREAS, on the 31st day of December, 2005, Arthur Judge will be leaving the Troy City Council; and

WHEREAS, Arthur Judge served the citizens of Troy with distinction and dedication.

NOW THEREFORE BE IT RESOLVED, that the Troy City Council does hereby pause in its deliberations to honor and commend Arthur Judge for the years of service he rendered in the best interests of the citizens of the City of Troy; and

BE IT FURTHER RESOLVED, that the Troy City Council transmit a copy of this resolution, suitably engrossed, to Arthur Judge as a token of appreciation.

Approved as to form, November 30, 2005

David B. Mitchell, Corporation Counsel

Motion to add ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12-09-05.

Resolution No.	5	Date	December 1, 2005
Motion to add by Council President	DerGurahian	Seconded by	Council
Introduced by Council President	DerGurahian	Seconded by	Council

RES. #5

RESOLUTION Commending JACK MAHONEY for Distinguished Service to the City of Troy

WHEREAS, on the 31st day of December, 2005, Jack Mahoney will be leaving the Troy City Council; and

WHEREAS, Jack Mahoney served the citizens of Troy with distinction and dedication.

NOW THEREFORE BE IT RESOLVED, that the Troy City Council does hereby pause in its deliberations to honor and commend Jack Mahoney for the years of service he rendered in the best interests of the citizens of the City of Troy; and

BE IT FURTHER RESOLVED, that the Troy City Council transmit a copy of this resolution, suitably engrossed, to Jack Mahoney as a token of appreciation.

Approved as to form, November 30, 2005

David B. Mitchell, Corporation Counsel

Motion to add ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12-09-05.

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. <u>6</u>	Date <u>December 1, 2005</u>
Motion to add by Council President <u>DerGurahian</u>	Seconded by <u>Council</u>
Introduced by Council President <u>DerGurahian</u>	Seconded by <u>Council</u>

RES. #6

RESOLUTION Commending KAREN MESSICK for Distinguished Service to the City of Troy

WHEREAS, on the 31st day of December, 2005, Karen Messick will be leaving the Troy City Council; and

WHEREAS, Karen Messick served the citizens of Troy with distinction and dedication.

NOW THEREFORE BE IT RESOLVED, that the Troy City Council does hereby pause in its deliberations to honor and commend Karen Messick for the years of service she rendered in the best interests of the citizens of the City of Troy; and

BE IT FURTHER RESOLVED, that the Troy City Council transmit a copy of this resolution, suitably engrossed, to Karen Messick as a token of appreciation.

Approved as to form, November 30, 2005

David B. Mitchell, Corporation Counsel

Motion to add ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 12-02-05 for Executive Action, Approved and returned 12-09-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Meeting adjourned 8:50 pm.